

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**KIT VIVIEN LORELIED**

**Plaintiff,**

**v.**

**LANCE FRYE, M.D., in an official capacity as  
Commissioner of Health of the Oklahoma State  
Department of Health; KIM BAILEY, in an  
official capacity as Chief Legal Counsel and Operations  
of the Oklahoma State Department of Health; and,  
KELLY BAKER, in an official capacity as Registrar of  
Vital Records of the Oklahoma State Department of  
Health.**

**Defendants.**

**CIV-20-819-F**

**UNOPPOSED MOTION TO STAY**

COMES NOW the Plaintiff Kit Vivien Lorelied (“Plaintiff”), through counsel, and hereby requests a stay of proceedings in the above-captioned matter. To support this request, the parties show the Court:

1. The Court entered an Amended Scheduling Order [Doc. 16] on April 29, 2021.

2. The Amended Scheduling Order sets August 10, 2021 as the deadline for Plaintiff to list an expert witness and submit an expert report and September 10, 2021 for Defendants, Lance Frye, M.D., Kim Bailey and Kelly Baker (collectively “Defendants”), to do the same.<sup>1</sup> The Amended Scheduling Order also sets September 10, 2021 as the deadline for Plaintiff to file final witness and exhibit lists and September 24, 2021 for

---

<sup>1</sup> The Amended Scheduling Order provides a deadline 21 days after Plaintiff’s deadline.

Defendants to file the same.<sup>2</sup> The Amended Scheduling Order provides for a dispositive and *Daubert* motion deadline of October 1, 2021. To date, none of these filings have occurred, as the parties, jointly, have been aggressively pursuing settlement, in good faith, of the entire matter.

3. Additionally, the Amended Scheduling Order sets a discovery deadline of December 15, 2021.

4. As previously noted in the Joint Motion to Extend Scheduling Order [Doc 15], the parties have reached an agreement that resolves all issues in the above-captioned matter. As further proof of this settlement, a Petition to Register a Foreign Judgment was filed June 3, 2021 in *Lorelied v. Oklahoma State Department of Health*, Case No. CV-2021-1306, Oklahoma County, Oklahoma, and, on August 25, 2021, the Unopposed Order Registering Foreign Judgment was likewise filed in that case.<sup>3</sup>

5. In furtherance of settlement, Plaintiff submitted the above-referenced pleadings, along with additional documentation to obtain the agreed-to amended documentation.<sup>4</sup> Presently, the Oklahoma State Department of Health, Vital Records, has acknowledged receipt of these necessary documents and Plaintiff's amended documentation has been received, along with all attached documentation.<sup>5</sup>

6. Plaintiff requests that the above-captioned matter be stayed, pending the processing of Plaintiff's request to obtain amended documentation from the Oklahoma

---

<sup>2</sup> The Scheduling Order provides a deadlines 14 days after Plaintiff's scheduled date.

<sup>3</sup> The petition is attached at "Exhibit 1" and the unopposed order is attached as "Exhibit 2."

<sup>4</sup> Said correspondence is attached as "Exhibit 3."

<sup>5</sup> Said acknowledgment is attached as "Exhibit 4."

State Department of Health, Vital Records, whereupon it is anticipated that this matter will likely be dismissed, shortly thereafter.

7. While the August and September deadlines, previously mentioned, have already passed, Plaintiff respectfully requests that this Honorable Court allow an out-of-time stay of those deadlines, too, so that neither party will be prejudiced, in the extremely unlikely event that settlement ultimately does not occur. Plaintiff is mindful that this request has been previously made and remained hopeful that all stages of settlement would have been resolved by now to avoid further requests of this nature of the court.

8. The parties previously requested, and were granted, an extension. Plaintiff's counsel has corresponded with Defendants' counsel and there is no objection to Plaintiff's request for a stay; however, Defendants' counsel did correctly note that unlimited stays are disfavored. Plaintiff's counsel also concedes that stays of this nature are generally disfavored; however, Plaintiff would still make such a request, given the unique posture of this case and the fact that ultimate settlement has required a multi-stage procedural approach involving third parties not directly involved this action.

9. The parties are making every effort to expeditiously settle this matter and will notify this Honorable Court, immediately, in the event that settlement is ultimately successful.

10. In the event that settlement is ultimately unsuccessful, the parties will submit a new proposed Amended Scheduling Order for this Honorable Court's consideration.

WHEREFORE, Plaintiff Kit Vivien Lorelied requests an Order staying the deadlines for witness and exhibit exchanges, dispositive and *Daubert* motions and discovery, as well as trial in this matter.

Respectfully submitted,

/s/ Christopher U. Brecht

Christopher U. Brecht, OBA No. 22500

Stacy L. Acord, OBA No. 18633

MCDANIEL ACORD, PLLC

9343 E. 95th Ct.

Tulsa, OK 74133

(918) 382-9200

cbrecht@ok-counsel.com

sacord@ok-counsel.com

*Attorneys for Petitioner*